

7th December 2018

Wellington City Council
Chief Executive Officer
Attention: Kevin Lavery

Email kevin.lavery@wcc.govt.nz

Dear Kevin,

BNZ Harbour Quays Building Consent Approval Process

Spencer Holmes has been provided with a copy of the OIA response (the Response) to Radio New Zealand from the Wellington City Council (dated 5th December 2018), and we are very concerned about the content of the response. We consider this Response grossly misrepresents our position.

Our main concern is with the conclusion that as Spencer Holmes Limited (SHL) made no further comments on valid engineering issues when we were not given the opportunity to provide further comment, and that this constituted implicit acceptance of the Beca position, and the RFI item was then closed.

We had no involvement with the review after our letter of 12th February 2007, where we clearly noted “... at the time of writing Spencer Holmes Limited, on the basis of the information available to us, still have uncertainty in respect of compliance of the design with our interpretation of the new documents.”

At a stage where we could see no resolution between Beca and SHL to our concerns regarding the building, we provided the WCC with a way forward by recommending two options that both involved a peer review and the requirement for Producer Statement PS2 Design Review.

We note that the documents provided dated 19th February 2007 from Beca and the University of Canterbury were never forwarded to SHL for our comment, and these documents clearly do not satisfy the requirements of our recommendations in Option 2 from our letter.

To conclude that these RFI items are therefore “*implicitly closed*” due to no further comment from SHL is fundamentally flawed, and to report this we consider to be disingenuous given we were no longer engaged in the review.

We are also concerned at other misleading statements in the Response;

“The peer review that was undertaken as a result of these recommendations is also attached for you.”

Only part of our recommendation was undertaken, as no PS2 was attached and the review from the University of Canterbury was not to the extent recommended. Only a subsequent Producer Statement PS1 Design was attached, from the same author as earlier statements.

“In relation to SR155010, 30 RFI’s were raised over a three month period where the Council worked with Spencer Holmes and the designer (Beca) to ensure we were comfortable with the proposed design.”

We were not included in any further review after our 12th February 2007 letter and as such there was no resolution of these outstanding issues as far as SHL were concerned. We were never comfortable with the design, and so we should not be included as a party to the final approval.

If the review of the “independent engineer” in generating the comment *“WCC had reasonable grounds to issue building consent for this project”* is based on the outstanding RFI items being implicitly closed, then this completely undermines the review on the approval process.

We are aware that the WCC has been in contact with Beca in preparation of this Response. At no time did the WCC nor the independent engineer who prepared the review contact SHL for comment or context. We find this remarkable and ethically substandard.

Please provide us with the contact details for the independent engineer who prepared this review as we need to discuss their professional conduct with them.

Can you also please confirm where the documents provided in the Response were sourced, as these are not the documents that we forwarded to the WCC that should be held on your official file. The original documents should be used in the Response. We require a clear explanation of the origin of these documents, and how they came to be in the possession of the WCC, as the copies provided were issued to a third party in confidence.

At no time have SHL expressed a view as to the compliance of the Harbour Quays buildings, and having now seen this documentation from Beca dated 19th February 2007 we confirm that we consider the WCC issued this Building Consent contrary to the advice of SHL.

We require that the WCC recall the Response in light of the above corrections, and provide a draft copy of a subsequent response to ourselves for approval prior to forwarding to RNZ such that we have the opportunity to confirm its accuracy.

Given our long involvement in providing professional services to the WCC, we are very disappointed in the professionalism of the WCC staff in providing this Response given the serious inaccuracies identified above.

We trust that this letter is all you require at this time to progress this matter, however, should you have any questions or wish to discuss this please do not hesitate to contact the undersigned.

Yours faithfully
Spencer Holmes Limited



Jon Devine
Director

Cc David Chick, WCC
Phil Pennington, RNZ